

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 12-2004)

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

521-28-PCT-PA

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/527782**

INTERNATIONAL APPLICATION NO.  
PCT/US2003/030135

INTERNATIONAL FILING DATE  
18 September 2003

PRIORITY DATE CLAIMED  
19 September 2002

TITLE OF INVENTION

**DEVICE FOR SELECTIVELY REGULATING THE FLOW RATE OF A FLUID**

APPLICANT(S) FOR DO/EO/US

**Eric Mabry  
Kenneth Wayne Rake**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

**Items 13 to 23 below concern document(s) or information included:**

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☒ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. **EV 559614651 US**
23. ☒ Other items or information:  
**Application Data Sheet (3 pages)**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <div style="font-size: 2em; font-weight: bold; text-align: center;">10/527782</div>		INTERNATIONAL APPLICATION NO. <div style="text-align: center;">PCT/US2003/030135</div>		ATTORNEY'S DOCKET NUMBER <div style="text-align: center;">521-28-PCT-PA</div>																																																																															
24. The following fees are submitted: <input checked="" type="checkbox"/> a) Basic national fee ..... \$300.00 <input checked="" type="checkbox"/> b) Examination fee ..... \$200.00 <input checked="" type="checkbox"/> c) Search fee ..... \$500.00 <div style="text-align: right; margin-top: 10px;"><b>TOTAL OF ABOVE CALCULATIONS = \$1000.00</b></div>				<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">Applicant use</th> <th style="text-align: left;">Office use</th> </tr> <tr> <td>\$ 300.00</td> <td></td> </tr> <tr> <td>\$ 200.00</td> <td></td> </tr> <tr> <td>\$ 500.00</td> <td></td> </tr> <tr> <td>\$ 1,000.00</td> <td></td> </tr> </table>		Applicant use	Office use	\$ 300.00		\$ 200.00		\$ 500.00		\$ 1,000.00																																																																					
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Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).				<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;">CLAIMS</td> <td style="width:15%;">NUMBER FILED</td> <td style="width:15%;">NUMBER EXTRA</td> <td style="width:15%;">RATE</td> <td style="width:15%;"></td> <td style="width:15%;"></td> </tr> <tr> <td>Total claims</td> <td>32 - 20 =</td> <td>12</td> <td>x \$50.00</td> <td>\$ 600.00</td> <td></td> </tr> <tr> <td>Independent claims</td> <td>3 - 3 =</td> <td>0</td> <td>x \$200.00</td> <td>\$ 0.00</td> <td></td> </tr> <tr> <td colspan="4" style="vertical-align: top;">           MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00         </td> <td>\$ 0.00</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td>\$ 1,600.00</td> <td></td> </tr> <tr> <td colspan="4" style="vertical-align: top;"> <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.         </td> <td>\$ 800.00</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>SUBTOTAL =</b></td> <td>\$ 800.00</td> <td></td> </tr> <tr> <td colspan="4" style="vertical-align: top;">         Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).       </td> <td>\$ 0.00</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>TOTAL NATIONAL FEE =</b></td> <td>\$ 800.00</td> <td></td> </tr> <tr> <td colspan="4" style="vertical-align: top;">         Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +       </td> <td>\$ 0.00</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>TOTAL FEES ENCLOSED =</b></td> <td>\$ 800.00</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>Amount to be refunded:</b></td> <td></td> <td>\$</td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>Amount to be charged:</b></td> <td></td> <td>\$</td> </tr> </table> <div style="margin-top: 10px;"> <p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is _____</p> <p>c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>11-1159</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.</p> </div> <p><b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> <p>SEND ALL CORRESPONDENCE TO:</p> <p><b>Howard J. Klein (Reg. No.: 28,727)</b>  <b>Klein, O'Neill &amp; Singh, LLP (Customer No.: 22145)</b>  <b>2 Park Plaza, Suite 510</b>  <b>Irvine, California 92614</b>  <b>Tel: (949) 955-1920</b>  <b>Fax: (949) 955-1921</b></p> </div> <div style="width: 45%; text-align: center;"> <p>_____ SIGNATURE <b>Howard J. Klein</b></p> <p>_____ NAME <b>28,727</b></p> <p>_____ REGISTRATION NUMBER</p> </div> </div>		CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE			Total claims	32 - 20 =	12	x \$50.00	\$ 600.00		Independent claims	3 - 3 =	0	x \$200.00	\$ 0.00		MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00				\$ 0.00		<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1,600.00		<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 800.00		<b>SUBTOTAL =</b>				\$ 800.00		Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 0.00		<b>TOTAL NATIONAL FEE =</b>				\$ 800.00		Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$ 0.00		<b>TOTAL FEES ENCLOSED =</b>				\$ 800.00		<b>Amount to be refunded:</b>					\$	<b>Amount to be charged:</b>					\$
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